

App. No. 09/271,008  
Amdt. Dated October 22, 2003  
Reply to Office Action of July 31, 2003

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed July 31, 2003. In the Office Action, the Examiner rejected (i) claims 21-24 under 35 U.S.C. § 102, and (ii) claims 1-20 under 35 U.S.C. § 103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Claims 1-24 remain in this application. Claims 1, 10, 16 and 19 have been amended.

#### ***Double Patenting***

1. The Examiner rejects claims 1-20 under the judicially created doctrine of the obviousness-type double patenting of the claim of copending Application No. 09/271,011. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

#### ***Rejection Under 35 U.S.C. § 102***

2. The Examiner rejects claims 21-24 under 35 U.S.C. § 102(e) as being anticipated by Simmons et al. (US 6,192,028) ("Simmons").

Simmons discloses a method and apparatus to provide programmable thresholds for half-duplex flow control in a network switch. The network switch includes MAC ports for sending and receiving data packets (Simmons, Col. 6, lines 5-9). Each of the MAC ports has a receive FIFO and a transmit FIFO (Simmons, Col. 6, lines 14-15). Frames are received and placed in the corresponding FIFO (Simmons, Col. 7, lines 47-49). A rule checker makes the forwarding decision and identifies at least one destination port based on the corresponding header information, and generates a forwarding instruction in a form of a port vector (Simmons, Col. 8, lines 7-12). The port vector is examined to determine which particular output queue the frame pointer associated with the port vector should be input (Simmons, Col. 8, lines 23-26).

Simmons does not disclose, inherently or expressly, (1) receiving a plurality of indications denoting commencement of data packet, (2) assigning pointer values to corresponding records based at least in part on a relative order, and (3) the pointer value determining an order according to complete reception of the frame in which the respective data packet is promoted.

Simmons merely discloses identifying the destination port address based on the header information and forms a port vector (Simmons, Col. 8, lines 7-12). The port vector merely determines which particular output queue the frame pointer should be input (Simmons, Col. 8, lines 23-26). The port vector does not assign a pointer value denoting a relative order of frame. It only indicates the destination port address. Furthermore, it does not determine an order according to complete reception of the frame in which the corresponding frame is promoted to a system state. It is used merely to queue the transmission of the data frame from the corresponding destination port (Simmons, Col. 8, lines 27-31).

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Applicant respectfully requests that the Examiner withdraw the rejection of claims 21-24 under 35 U.S.C. § 102(b) as being anticipated by Simmons et al. (US 6,192,028

***Rejection Under 35 U.S.C. § 103***

3. The Examiner rejects claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Simmons in view of Frazier et al. (US 5,784,559) ("Frazier").

Frazier discloses a full duplex flow control for Ethernet networks. When a RX\_DV is asserted, the MAC receive processing logic accepts and processes data from the physical layer (Frazier, Col. 6, lines 11-15).

Simmons and Frazier, taken alone or in any combination, do not disclose, suggest, or render obvious (1) receiving a plurality of indications denoting commencement of data packet, (2) assigning pointer values to corresponding records based at least in part on a relative order, and (3) the pointer value determining an order according to complete reception of the frame in which the respective data packet is promoted.

In the Office Action, the Examiner states that Simmons clearly teaches the vector port FIFO 63 promotes the data frames from output queue 67 based on when the pointer is loaded in to the port vector FIFO in an assigned order of First-In-First-Out (Office Action, Page 12). The Examiner therefore admits that the order here is merely a fixed order of First-In-First-Out and not a relative order in which data packets are transmitted and an order according to complete reception of the frame in which the respective data packet is promoted. As the Examiner may be well aware, a FIFO order is not the same as the order according to complete reception of the frame in which the respective data packet is promoted.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Simmons in view of Frazier et al. (US 5,784,559).

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**Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: 10/22/2003

By

  
Thinh Nguyen

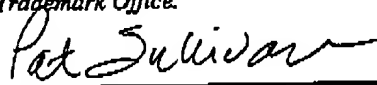
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